

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

METROPOLITAN LIFE INSURANCE
COMPANY,

Plaintiff,

v.

TRAN NGUYEN, et al.,

Defendants.

CASE NO. C12-1707RAJ

ORDER

This matter comes before the court to determine the final disposition of funds in this interpleader action. The court has already distributed \$110,000 of the \$115,471.23 that the Plaintiff, Metropolitan Life Insurance Company (“MetLife”), deposited into the registry of the court.

On September 19, 2013, the court issued an order (Dkt. # 26) noting that it had received a request for attorney fees from the attorneys who represented the Trust that is the primary beneficiary of the life insurance proceeds at the center of this case. The court permitted Joseph Vu, the current trustee, to file objections to the requested award. Mr. Vu filed objections, requesting that the court award the attorneys no fees.

The court has reviewed Mr. Vu’s objections but does not find them compelling. As the court noted in its September order, the evidence before the court (including evidence the court heard at an August 27, 2013 hearing) suggested that these attorneys played an important role both in protecting the Trust and in resolving disputes among Mr.

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Vu and the previous trustee. Without their assistance, it would likely have been necessary to conduct expensive proceedings to determine the proper disposition of insurance benefits. Mr. Vu does not share the same view of the attorneys' role, but the evidence does not support his view. The record reflects that it was Mr. Vu's opposition to the attorneys' work that made the distribution of funds to the Trust more difficult than necessary, and frustrated MetLife's attempts to quickly distribute the life insurance proceeds. The court notes that the previous trustee explained at the August 27 hearing that the attorneys had agreed to forego payment for their work. Mr. Vu now seizes upon this generosity as another reason to deny their request for fees. The court does not fault the attorneys for agreeing to forego payment from the original trustees, nor does it fault them for making a modest request for fees now that the Trust has received payment.

The court orders as follows:

- 1) The clerk shall issue a check for \$3,000 to Wall and Associates, PS, at the following address: 51 West Dayton Street, Edmonds, Washington, 98020.
- 2) The clerk shall issue a check for all remaining proceeds of the registry deposit (plus interest, minus any fees or costs) to the Vien-Dung Thi Nguyen Trust.

The clerk shall mail that check to the following address:

Joseph Vu, Trustee of Vien-Dung Thi Nguyen Trust
20407 22nd Ave W
Lynnwood, WA 98036

DATED this 4th day of April, 2014.



The Honorable Richard A. Jones
United States District Court Judge